

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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**DEBRA SPERO, as Natural Mother of  
V.S., an infant,**

Plaintiffs,

v.

**DECLARATION OF  
FRANK W. MILLER**

Civil Action No.: 3:17-cv-00007

**VESTAL CENTRAL SCHOOL DISTRICT  
BOARD OF EDUCATION, VESTAL CENTRAL  
SCHOOL DISTRICT, JEFFREY AHEARN,  
Superintendent of Schools, ALBERT A. PENNA,  
Interim Principal of Vestal High School,  
DEBORAH CADDICK and CLIFFORD KASSON,  
in their Individual and Official Capacities,**

Defendants,

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**DECLARATION OF FRANK W. MILLER**

**FRANK W. MILLER**, pursuant to 28 U.S.C. §1746, deposes and says:

1. I am a partner in the Law Firm of Frank W. Miller, counsel for all Defendants in the above-captioned litigation.
2. I make this declaration in support of Defendants' Motion for Summary Judgment and Judgment on the Pleadings.
3. A copy of the transcript of the testimony of V.S. and the testimony of Deborah Caddick taken at the hearing held May 19, 2017, on Plaintiffs' motion for a preliminary injunction, will be presented as **Exhibit 1** with a letter request that it be accepted under seal.
4. V.S. appealed his suspension to the New York State Commissioner of Education, and in the course of his appeal, sought a stay of the suspension.
5. The application for stay of the suspension was denied by the Commissioner on April 21, 2017.

6. V.S.'s appeal of his suspension was dismissed by the Commissioner of Education without examination of the merits of his claims, and with leave to refile based upon the outcome of the instant proceedings, on August 29, 2017. A copy of the dismissal order is presented herewith as **Exhibit 2**.

7. This Court denied Plaintiffs' application for a temporary restraining order preventing the suspension from going into effect. (Dkt. 35.) This Court also denied their application for a temporary injunction by which the Plaintiffs requested an order directing V.S.'s reinstatement in school.

I declare under penalty of perjury that the foregoing is true and correct.

**Dated:** October 26, 2017

s/Frank W. Miller  
**FRANK W. MILLER**  
**Bar Roll No.: 102203**